

Catherine L. Brabson (#6500)
Allison Parks (#16219)
SALT LAKE CITY CORPORATION
P.O. Box 145478
451 South State Street, Suite 505A
Salt Lake City, UT 84114-5478
Telephone: (801) 535-7788
Facsimile: (801) 535-7640
Catherine.Brabson@slcgov.com
Allison.Parks@slcgov.com

Attorneys for Defendants Salt Lake City, Jackie Biskupski, Margaret Plane, Erin Mendenhall, Chris Wharton, Brian Fullmer, Ralph Becker, Chris Burbank, Stan Penfold, Yolanda Francisco-Nez, and Matthew Rojas

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF UTAH, CENTRAL DIVISION**

AARON J. JOHNSON,

Plaintiff,

vs.

SALT LAKE CITY, a municipal corporation;
JACKIE BISKUPSKI, individually and as
Mayor; MARGARET PLANE, individually
and as Legal Director; ERIN MENDENHALL,
individually and as 5th District City Councilor
and Council Chair; CHRIS WHARTON,
individually and as 3rd District Councilor and
Council Co-Chair; BRIAN FULLMER,
individually and as assistant to Chris Wharton;
RALPH BECKER, individually and as former
Salt Lake City Mayor; CHRIS BURBANK,
individually and as former Salt Lake City Chief
of Police; STAN PENFOLD, individually and
as former 3rd District Councilor; YOLANDA
FRANCISCO-NEZ, individually and as
director for Salt Lake City Mayor's Office of
Diversity & Human Rights; MATTHEW
ROJAS, individually and as Director of

**DEFENDANTS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

Case No. 2:18-cv-00467

Judge Ted Stewart

Magistrate Brooke C. Wells

Communications for the Mayor's Office; and DOES 1 through 10,	
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Defendants.	
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Defendants Salt Lake City Corporation, Jackie Biskupski, Margaret Plane, Erin Mendenhall, Chris Wharton, Brian Fullmer, Ralph Becker, Chris Burbank, Stan Penfold, Yolanda Francisco-Nez, and Matthew Rojas (collectively, "Defendants") give notice of the recently issued report and recommendation dismissing in-part plaintiff's amended complaint in *Johnson v. Cox, et al*, case no. 2:18-cv-29-RJS-DBP (D. Utah, Feb 1, 2019).¹

This report and recommendation is relevant to arguments made in Defendants' pending Motion to Dismiss ("Motion").² Defendants' Motion argues that Plaintiff Aaron Johnson's Amended Complaint should be dismissed because, at 135 pages and 558 paragraphs, it is unnecessarily verbose and confusing, and fails to comply with the short and plain pleading standard under Rule 8.³ Similarly, in *Johnson v. Cox*, defendants argued that plaintiff's 91-page 357-paragraph complaint is long, rambling, confusing and fails to meet the Rule 8 pleading standard.⁴ Agreeing with the defendants, Magistrate Judge Pead recommended dismissal of plaintiff's amended complaint under this basis alone.⁵ There is no order approving or adopting

¹ R. & R., Case No. 2:18-cv-29-RJS-DBP, Feb. 1, 2019, ECF No. 96.

² Defs.' Mot. to Dismiss for Failure to State a Claim and Mem. in Supp., Oct. 26, 2018, ECF No. 33; *see also* Defs.' Reply Mem. in Supp. of Mot. to Dismiss, Dec. 19, 2018, ECF No. 38.

³ Defs.' Mot. to Dismiss, 6-10; Defs.' Reply at 3-5.

⁴ R. & R. at 11.

⁵ R. & R. at 11-12. The court also addressed the merits of plaintiff's claims, as the court understood them. *Id.* at 12-29.

the report and recommendation because shortly after the report and recommendation was issued, plaintiff filed a motion requesting the court dismiss his case without prejudice.⁶

DATED this 5th day of March, 2019.

/s/ Allison Parks
ALLISON PARKS
CATHERINE L. BRABSON
*Attorneys for Defendants Salt Lake City,
Jackie Biskupski, Margaret Plane, Erin
Mendenhall, Chris Wharton, Brian Fullmer,
Ralph Becker, Chris Burbank, Stan Penfold,
Yolanda Francisco-Nez, and Matthew Rojas*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2019, a true and correct copy of the **DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY** was electronically filed with the Clerk of the Court, and a copy was further sent by email and U.S. Mail, postage prepaid, to:

Aaron Johnson
646 West 500 North
Salt Lake City, UT 84116
pentasys@msn.com

/s/ Lindsay Ross

HB #76095

⁶ Pl.'s Mot. for Dismissal of Action Without Prejudice Pursuant to FRCP 41(a)(1)(A)(i), Case No. 2:18-cv-29-RJS-DBP, Feb. 14, 2019, ECF No. 97.